

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P.(PD)Nos.119 and 120 of 2014

and

M.P.Nos.1,1 and 2,2 of 2014

E.Raja Rao

.. Petitioner
in CRP.No.119 of 2014

M.Rajaiah

.. Petitioner
in CRP.No.120 of 2014

Vs.

1.Industrial Development Bank of India,
115, Anna Salai, Saidapet,
Chennai - 600 015.

2.ICICI Ltd.,
1, Cenotaph Road, Teynampet,
Chennai - 600 018.

.. Respondents
in both CRPs

Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order dated 10.12.2013, made in I.A.Nos.377 and 378 of 2011 in M.A.Nos.108 and 109 of 2011 on the file of the Debts Recovery Appellate Tribunal, Chennai.

For Petitioner : No Appearance

COMMON ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Order impugned in the instant Civil Revision Petitions reads thus:-

"PROCEEDINGS DATED 10.12.2013

IA 377 and 378/2011 (Waiver):

Ld. Counsel appearing on behalf of R1 bank stated that a sum of Rs.71,98,96,333/- is due as on the date of filing of this appeal and that this tribunal may proceed to impose a condition of a pre-deposit of 75% of the aforesaid amount as public money is involved and that the appeal should not be entertained without the pre-deposit being made and that this tribunal may abide by Sec.21 of the RDDBFI Act.

Ld. Counsel appearing on behalf of the petitioner stated that certain properties were sold during the pendency of OA and that the bankers have failed to inform same to the tribunal below. Ld. Counsel also stated that the petitioner was a Director and that he was no more a Director which fact was already acknowledged by both the banks. Ld. Counsel stated that the respondents 1 and 2 have not made out a case for claiming a pre-deposit and prayed that the pre-deposit may completely be waived.

Heard both sides. R3 to R10 have already been given up.

It is seen that the amount due is Rs.71,98,96,333/- and

that the petitioner has not chooses to repay public money. It is also seen that this tribunal is bound by Sec.21 of the RDDBFI Act. Therefore from the fact that a DRT of competent jurisdiction has passed a recovery certificate against the petitioner, from the fact that the petitioner has failed to repay public money to the bank, from the fact that public money cannot be permitted to be enjoyed by the petitioner without being directed to repay the same, from the fact that non repayment of dues leads to creation of NPAs which in turn damage the economic fabric of the country, from the fact that no ground has been made out by the petitioner for a waiver of the pre-deposit and from the fact that it would be appropriate if the petitioner is directed to deposit 50% of the amount due as on the date of filing of this appeal the following order is passed.

" The petitioner is directed to deposit a sum of Rs.35,99,48,167/- into this tribunal on or before 31.12.2013. In the even the said deposit is not made into this tribunal on or before 31.12.2013 this IA shall stand automatically dismissed"

MA 108 and 109/2011:

Orders have been passed in IA 377 and 378/2011.

Await the outcome of the order."

2. Civil Revision Petitions have been filed in the year 2014, but unfortunately the matter is pending under the caption "Notice regarding admission", for a long time.

S.MANIKUMAR, J.

AND

T.RAVINDRAN, J.

dm

3. On this day, when the matters came up for hearing, there was no representation for the petitioner in both the civil revision petitions. Accordingly, these Civil Revision Petitions are dismissed for non-prosecution. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

[S.M.K., J.] [T.R.N., J.]

सत्यमेव जयते 06.03.2018

Index : Yes

Internet : Yes

dm/mvs

WEB COPY

C.R.P.(PD)Nos.119 and 120 of 2014

and

M.P.Nos.1,1 and 2,2 of 2014